

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

Christian Pressley,

Plaintiff,

v.

Case No. 21CV00148

Jason Walker, and
City of South Milwaukee,

Defendants.

**CITY OF SOUTH MILWAUKEE AND JASON WALKER’S
ANSWER AND AFFIRMATIVE DEFENSES TO PLAINTIFF’S
INTENTIONAL TORT COMPLAINT**

Now comes the Defendants, Jason Walker and City of South Milwaukee, by their attorneys, Gunta Law Offices, S.C., and submit the following Answer and Affirmative Defenses to the Plaintiff’s Intentional Tort Complaint.

I. INTRODUCTION

The Introduction is a statement of Plaintiff’s legal positions and legal conclusions, and therefore, requires no response to said alleged legal conclusions. Further answering this Paragraph, deny any material allegations contained therein regarding the Defendant, City of South Milwaukee.

II. JURISDICTION

1. Paragraph 1 is a statement of Plaintiff’s legal positions and legal conclusions, and therefore, requires no response to said alleged legal conclusions. Further answering this Paragraph, deny any material allegations contained therein regarding the Defendants.

2. Paragraph 2 is a statement of Plaintiff's legal positions and legal conclusions, and therefore, requires no response to said alleged legal conclusions. Further answering this Paragraph, deny any material allegations contained therein regarding the Defendants.

III. PARTIES

3. Upon information and belief, admit.

4. Admit the City of South Milwaukee is a municipal corporation organized and existing under the laws of the State of Wisconsin, with its principal place of business located at 2424 15th Ave, South Milwaukee, WI 53172.

5. Admit.

6. Lack knowledge and information sufficient to form a belief as to the truth or falsity of Paragraph 6, and therefore deny the same.

IV. FACTS

7. Lack knowledge and information sufficient to form a belief as to the truth or falsity of Paragraph 7, and therefore deny the same.

8. Admit.

9. Lack knowledge and information sufficient to form a belief as to the truth or falsity of Paragraph 9, and therefore deny the same.

10. Lack knowledge and information sufficient to form a belief as to the truth or falsity of Paragraph 10, and therefore deny the same.

11. Lack knowledge and information sufficient to form a belief as to the truth or falsity of Paragraph 11, and therefore deny the same.

12. Deny.

13. Deny.

14. Lack knowledge and information sufficient to form a belief as to the truth or falsity of Paragraph 14, and therefore deny the same.

15. Lack knowledge and information sufficient to form a belief as to the truth or falsity of Paragraph 15, and therefore deny the same.

16. Lack knowledge and information sufficient to form a belief as to the truth or falsity of Paragraph 16, and therefore deny the same.

17. Admit that the South Milwaukee Police Department reviewed bar surveillance which demonstrated interactions between Plaintiff and Polak from the night of the incident wherein the two appeared to be acting affectionately towards each other.

18. Lack knowledge and information sufficient to form a belief as to the truth or falsity of Paragraph 18, and therefore deny the same.

19. Admit that the South Milwaukee Police Department reviewed bar surveillance which demonstrated Plaintiff and Polak at several locations through the night of the incident. As further answer, lack knowledge and information sufficient to form a belief as to the truth or falsity to the remainder of Paragraph 19, and therefore deny the same.

20. Deny.

21. Lack knowledge and information sufficient to form a belief as to the truth or falsity of Paragraph 21, and therefore deny the same.

22. Deny.

23. Deny.

24. Deny.

25. Lack knowledge and information sufficient to form a belief as to the truth or falsity of Paragraph 25, and therefore deny the same.

26. Admit.

27. Deny.

28. Lack knowledge and information sufficient to form a belief as to the truth or falsity of Paragraph 28, and therefore deny the same.

29. Lack knowledge and information sufficient to form a belief as to the truth or falsity of Paragraph 29, and therefore deny the same.

30. Deny.

31. No response needed.

32. No response needed.

V. CLAIMS FOR RELIEF

a. Deny the Plaintiff is entitled to relief sought.

b. Deny the Plaintiff is entitled to relief sought.

c. Deny the Plaintiff is entitled to relief sought.

d. Deny the Plaintiff is entitled to relief sought.

e. Deny the Plaintiff is entitled to relief sought.

f. Deny the Plaintiff is entitled to relief sought.

g. Deny the Plaintiff is entitled to relief sought.

h. Deny the Plaintiff is entitled to relief sought.

i. Deny the Plaintiff is entitled to relief sought.

j. Deny the Plaintiff is entitled to relief sought.

- k. Deny the Plaintiff is entitled to relief sought.
- l. Deny the Plaintiff is entitled to relief sought.
- m. Deny the Plaintiff is entitled to relief sought.
- n. Deny the Plaintiff is entitled to relief sought.
- o. Deny the Plaintiff is entitled to relief sought.
- p. Deny the Plaintiff is entitled to relief sought.
- q. Deny the Plaintiff is entitled to relief sought.
- w. Deny the Plaintiff is entitled to relief sought.
- x. Deny the Plaintiff is entitled to relief sought.
- y. Deny the Plaintiff is entitled to relief sought.
- z. Deny the Plaintiff is entitled to relief sought.
- aa. Deny the Plaintiff is entitled to relief sought.

VI. RELIEF REQUESTED

- a. Deny the Plaintiff is entitled to relief sought.
 - i. Deny the Plaintiff is entitled to relief sought.
 - ii. Deny the Plaintiff is entitled to relief sought.
 - iii. Deny the Plaintiff is entitled to relief sought.
- b. Deny the Plaintiff is entitled to relief sought.
 - i. Deny the Plaintiff is entitled to relief sought.
 - ii. Deny the Plaintiff is entitled to relief sought.
 - iii. Deny the Plaintiff is entitled to relief sought.
 - iv. Deny the Plaintiff is entitled to relief sought.

- v. Deny the Plaintiff is entitled to relief sought.
 - vi. Deny the Plaintiff is entitled to relief sought.
 - vii. Deny the Plaintiff is entitled to relief sought.
 - viii. Deny the Plaintiff is entitled to relief sought.
 - ix. Deny the Plaintiff is entitled to relief sought.
 - x. Deny the Plaintiff is entitled to relief sought.
 - xi. Deny the Plaintiff is entitled to relief sought.
- c. Deny the Plaintiff is entitled to relief sought.
 - d. Deny the Plaintiff is entitled to relief sought.

AFFIRMATIVE DEFENSES

1. The complaint fails to state a claim upon which relief can be granted.
2. Any injuries or damages suffered by the Plaintiff were caused by his own conduct and negligence or the conduct of others.
3. Defendants had no reason to believe that its conduct violated the constitutional rights of the Plaintiff and are entitled to the defense of qualified immunity.
4. Plaintiff's state law claims are subject to the procedural prerequisites for bringing or maintaining a cause of action under § 893.80(1)(a) and (1)(b), Wis. Stats., and the exclusions, immunities and limitations on liability set forth in § 893.80 (3) and (4), Wis. Stats.
5. The Plaintiff may have failed to mitigate his damages.
6. The Plaintiff has initiated this action in bad faith.
7. Defendants' conduct was privileged.
8. These Defendants are entitled to qualified immunity.

9. These Defendants are entitled to discretionary act immunity.

WHEREFORE, Defendants request judgment as follows:

1. Dismissing the Complaint of the Plaintiff on its merits, together with costs and disbursements as well as attorneys fees in favor of Defendants.

2. For such other further relief as the Court may deem just and equitable and to which the Defendants are entitled.

Dated at Milwaukee, Wisconsin this 8th day of February, 2021.

GUNTA LAW OFFICES, S.C.

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Jason Walker

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